

City of Columbus | Department of Development | Building Services Division | 757 Carolyn Avenue, Columbus, Ohio 43224



STATEMENT OF HARDSHIP

Chapter 3307 of Columbus Zoning Code
Section 3307.10 Variances by City Council

A. Permit a variance in the yard, height, or parking requirement of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.

B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health safety, comfort, morals, or welfare of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:

See Attached Statement

Multiple horizontal lines for providing details of the variance request.

Signature of Applicant (Signed in BLUE INK) *J. R. C. B. L.* Date *5/20/05*

Council Variance Request
791 E. Long Street
Tax Parcel 010-049607, 010-049753 and 010-004281
Columbus Compact Corporation
1000 E. Main Street
Columbus, OH 43205

The applicant seeks a Council Variance for the property located at 791 E. Long Street and within the boundaries of the King Lincoln Arts District (more completely described in the legal description submitted with this application).

The site is approximately .30 acres located on the south side of Long Street at its SE intersection with Garfield Avenue. A masonry one story commercial building of approximately 3,492 square feet is currently located on the site. Although it is improved with a commercial building, the property is currently zoned R2F as the result of a district wide “down-zoning” that occurred in 1974. Adjacent sites on Long Street include additional commercial buildings that are zoned R2F. The subject site is included in the Long Street NCR district.

The Applicant is seeking to vary the zoning for this site as well as four other nearby sites to allow uses that would be consistent with the goals of the King-Lincoln District Plan, adopted by Columbus City Council July 29, 2002, the current draft version of the Near East Area Plan update and the district’s designation as an NCR corridor. The Applicant further proposes to vary the Urban Commercial Overlay to accommodate the building that is currently located on the subject site.

These variances are based on a foundation of extensive community planning processes and are intended to allow uses and development standards that the existing building was originally designed for. There is no negative impact on existing governmental services nor to surrounding property owners. Further, the re-zoning is expected to provide the following positive benefits to the district:

- Facilitate investment by private businesses whose uses would be consistent with the stated goals of the district. Currently, any potential investor would be required to pay zoning fees, legal fees and suffer a delay of up to several months before opening.
- Re-enforce and further emphasize the “Arts and Entertainment” focus of the district by approving specific uses on specific sites.
- Establishment of an inclusive list of permitted uses that will focus economic development efforts that are currently underway on appropriate users while screening out inappropriate uses.

The following variances are requested:

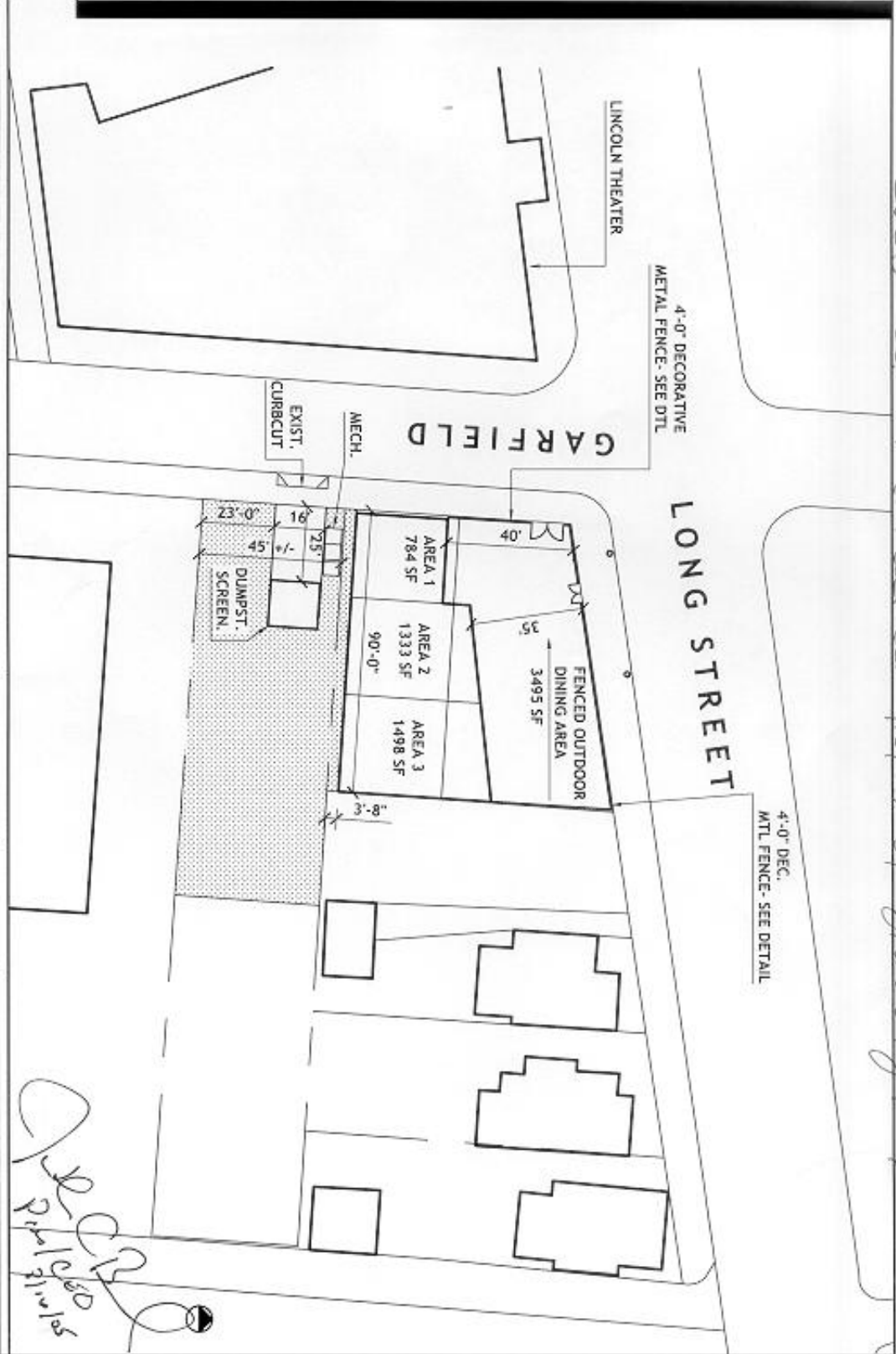
1. Allow the following uses: Baked Goods Stores, Cafes, Delicatessens and Restaurants, Florists, Gift, Novelty and Souvenir Stores, Specialty Food Stores, Radio and Television Broadcasting Stations and Studios, Recording Studios, Art Dealers and Galleries, Arts and Crafts, Compact Disc, Music, Record and Video Stores (includes rental), Jewelry Stores.
2. Allow the following uses as a secondary use when placed to the rear of a primary buidling: dumpster, mechanical/refrigeration equipment.
3. Release the requirement for off-street parking. (Please note that the King Lincoln District Plan recommends a “shared parking district” for the properties between I-71 and Monroe Avenue, that the subject site is in the center of this district and that the site is adjacent to a 110+ space public parking lot

- owned by the City of Columbus. The applicant seeks to use available space at the rear of the existing building to accommodate refuse needs only. The applicant seeks to avoid developing the land as a surface parking lot in order to accommodate future planned residential development on the site.)
4. The location of the dumpster which will serve the subject site will require limited maneuvering in the public right of way when the dumpster is serviced. Release any requirements that all maneuvering be conducted on-site.
 5. In accordance with the Urban Commercial Overlay, release the requirement for an off-street loading zone.
 6. The existing building does not offer any window glass on the secondary frontage as required by the Urban Commercial Overlay. Release this requirement to accommodate the building's existing and original design.
 7. The existing building was not constructed with vertical piers or other vertical visual elements to break the plane of the building frontage as required by the Urban Commercial Overlay. Release this requirement to accommodate the existing and original construction.
 8. Release the development standards contained in the R2F zoning category.
 9. As depicted in the site plan that is part of this application, allow an up-to four feet tall, decorative metal fence to be located to the front of the existing building. The fence will have 2' or less setback from the property line, and will enclose all of the space to the front of the building, with openings for gates as necessary.
 10. Establish as development standards for the property the setbacks, rear and side yard requirements and lot coverage that is currently in place and is depicted on the site plan that is submitted as part of this application
 11. Establish the following development standards for the property: Minimum 36' setback from Long Street; maximum 45' setback from Long Street; east sideyard shall maintain a setback of 0'; west sideyard shall maintain a setback of 1.1'; rearyard shall maintain a setback of 3.7'.
 12. Allow, but not require, the mechanical placement that is depicted in the site plan.

The subject site shall be developed in accordance with the Site Plan. The Site Plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time development and engineering plans are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Development or his designee upon submission of the appropriate data regarding the proposed adjustment.

Unless and until a variance is granted for the site, the disparity between its zoning (R2F) and the commercial nature of the existing construction, will preclude any re-development by the Owner. In light of this obvious hardship, the Applicant respectfully requests the above-listed variances.

CV05-030 Final Revised plans by Shannon Fink



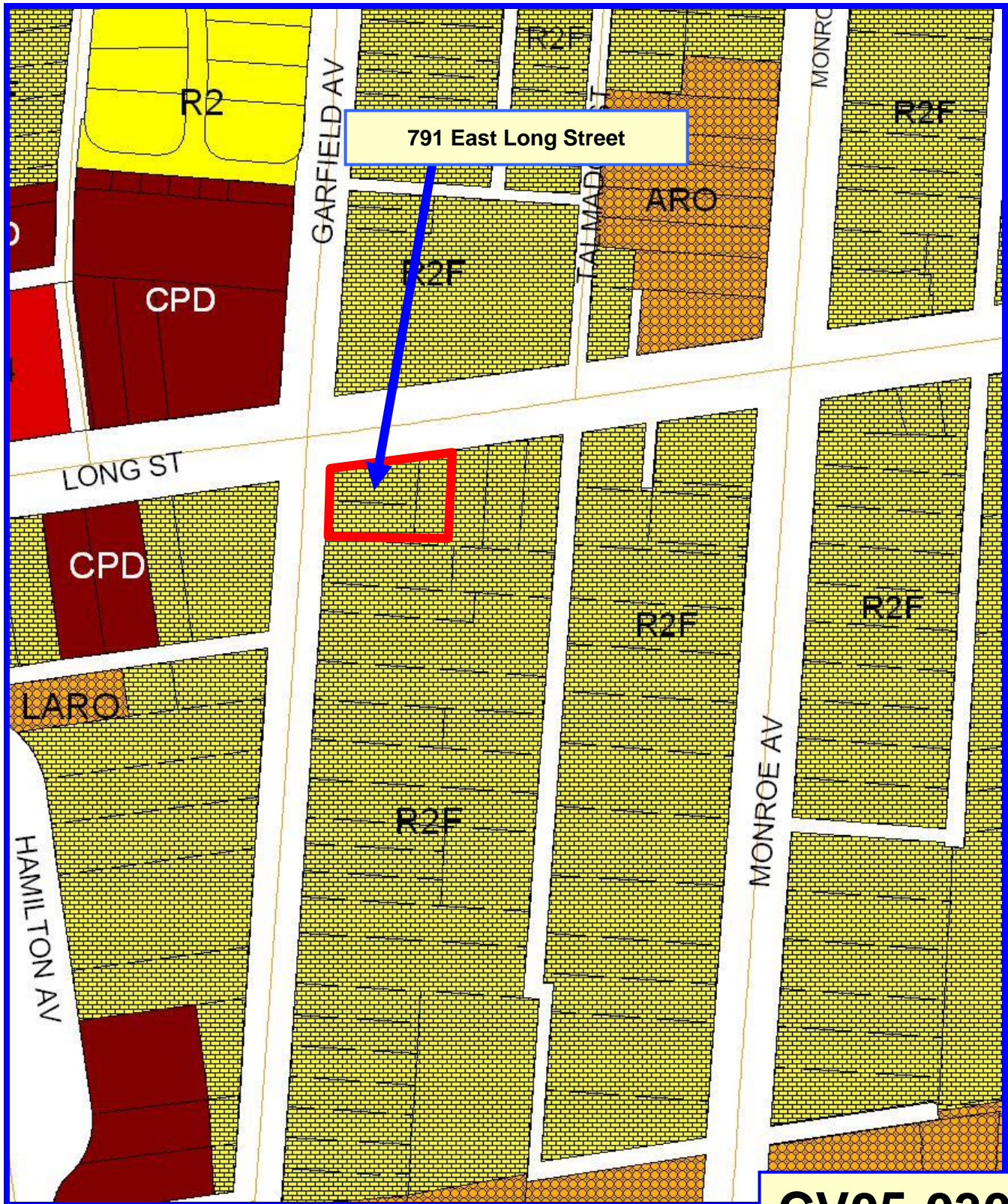
BLOSTEIN/OVERLY architects
881 SOUTH LAZELLE STREET COLUMBUS OH 43206

www.blostein-overly.com

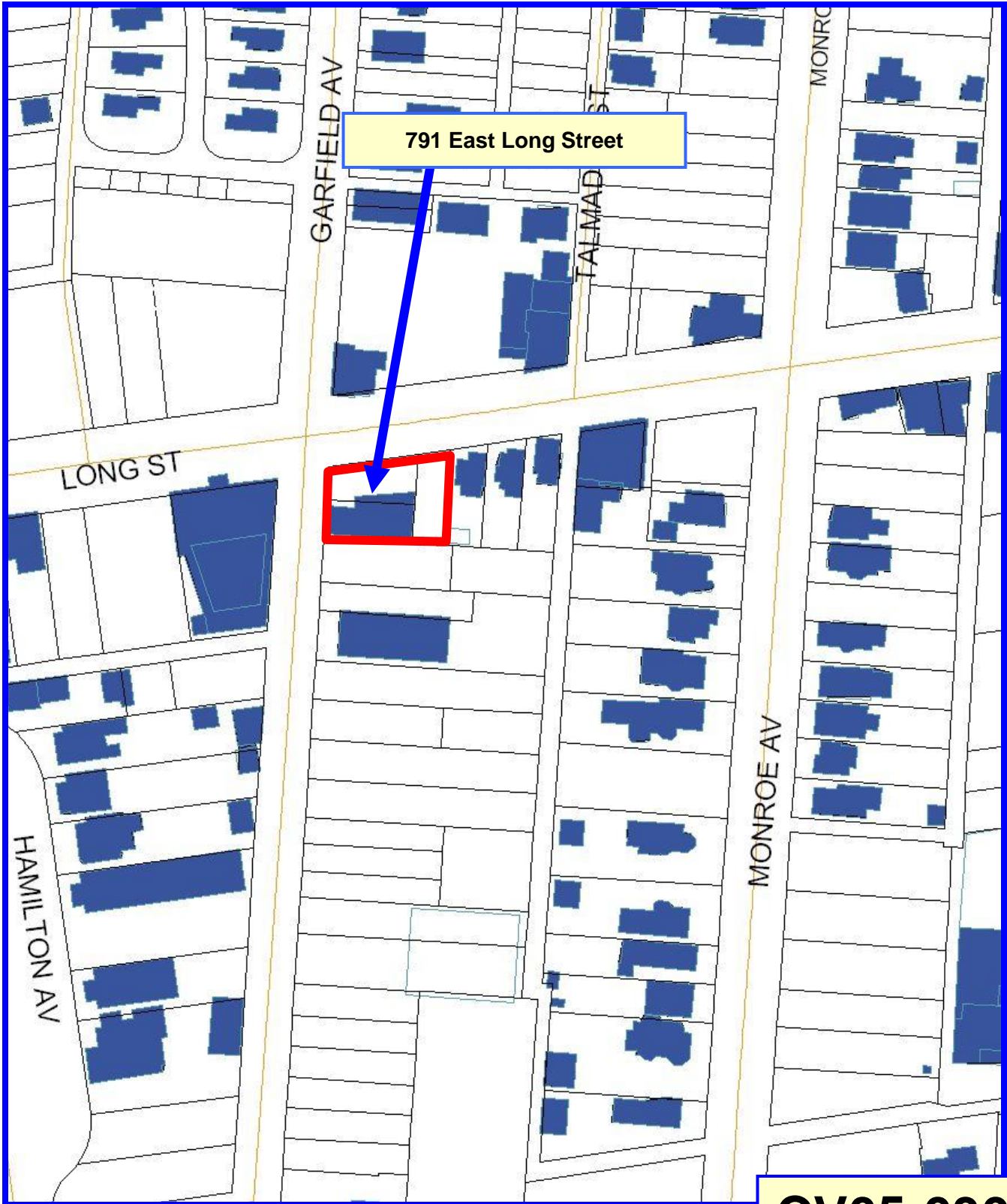
PLANNING
A102

791 EAST LONG STREET NTS
12 AUGUST 2005

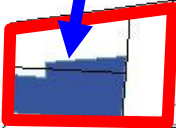
Shannon Fink
2/11/05



CV05-030



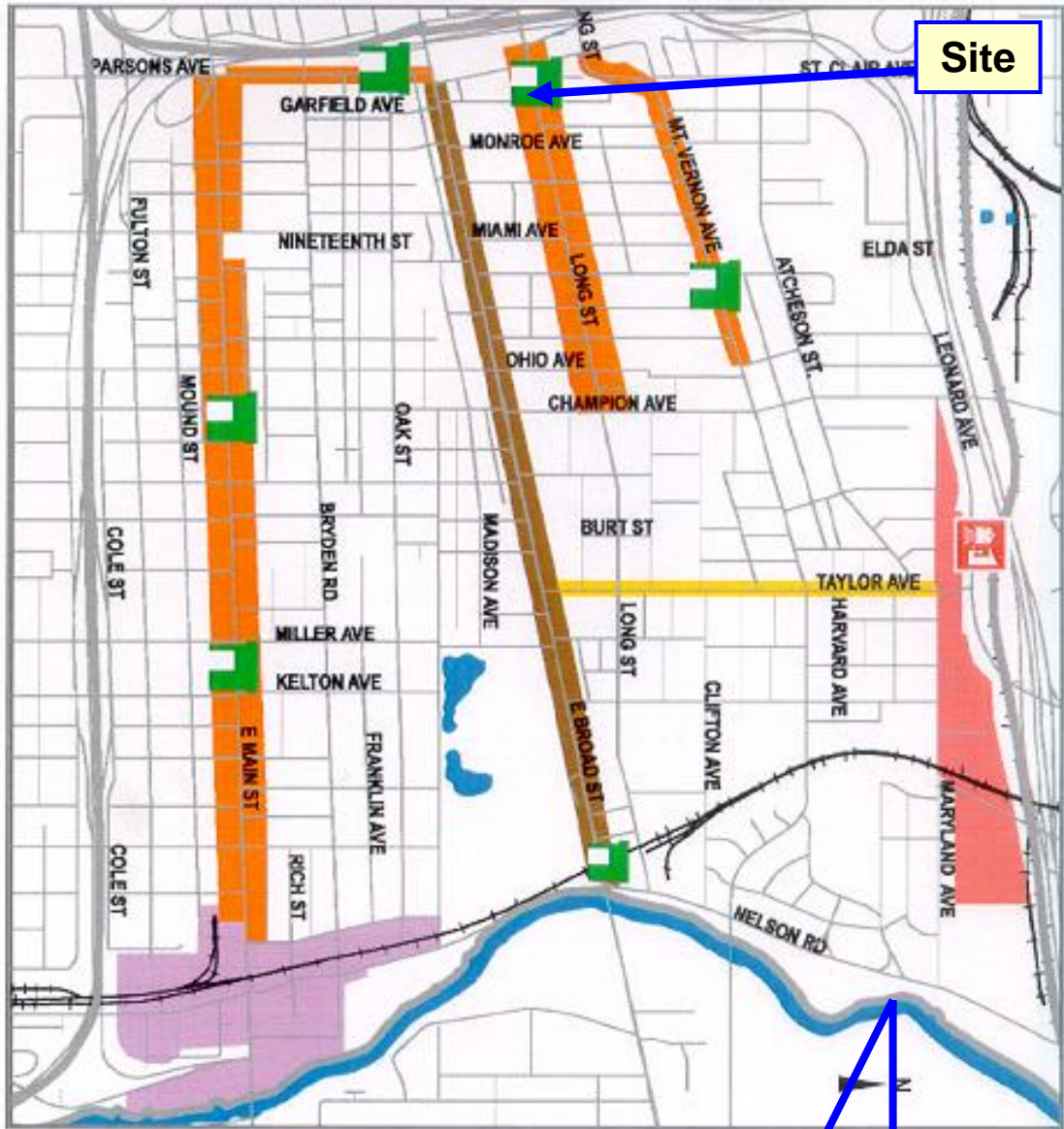
791 East Long Street



CV05-030



CV05-030



DEVELOPMENT STRATEGY

DRAFT

NEAR EAST AREA PLAN








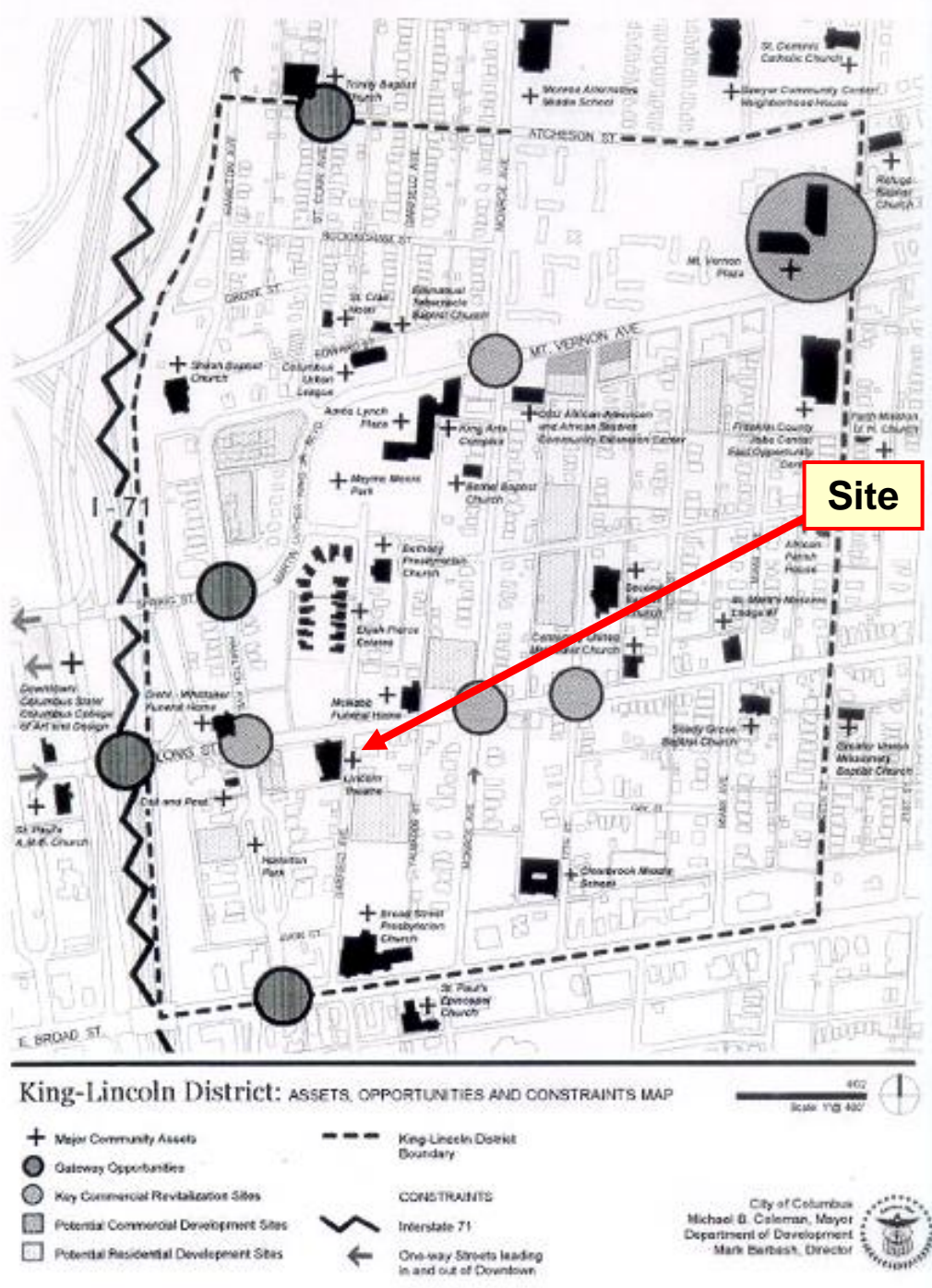
-  Medium Density Residential
-  East Broad Street
-  Higher density Residential / Mixed Use Development
-  Commercial District Nodes
-  Office/Light Industrial/Mixed Uses
-  Light Industrial/Commercial
-  Transit Center

Figure 5

LAND USE AND ZONING 27

Draft Near East Area Plan

ASSETS, OPPORTUNITIES & CONSTRAINTS MAP



The King-Lincoln District Plan (2002)

COMMERCIAL / OFFICE GOALS

- ◀ Create new, good jobs for area residents and provide the necessary support with job training programs.
- ◀ Develop and implement a commercial revitalization "theme" or "program" for the District and focus revitalization efforts at key business locations. Market this theme or program as a regional attraction to the Central Ohio community and beyond.
- ◀ Maintain, promote, and enhance existing businesses with a focus on adding new retail establishments with new residents and visitors to support them. Encourage retail specialty shops and neighborhood service facilities.
- ◀ Encourage mixed-use development, including business uses, in appropriate locations.
- ◀ Promote early and continuous private sector involvement in the achievement of these goals

COMMERCIAL/OFFICE GOALS & STRATEGIES

COMMERCIAL / OFFICE STRATEGIES



- ◀ Designate this area as a "Community Reinvestment Area" as defined and regulated within Ohio Revised Code Sections 3735.65 to 3735.70.
- ◀ Promote the development of an Entertainment Center and shared parking district along Long Street west of Monroe Avenue. The Center will contain "upscale" restaurants and music clubs as well as other retail establishments in an attractive, crowded, pedestrian-friendly environment. The Urban Commercial Overlay already applies to this area and will help promote such an atmosphere. In time, the Center will become a regional entertainment attraction.

The rebirth of the Lincoln Theatre will be the centerpiece of the Center's creation. Possible uses for the facility, in addition to performance space, include street-front retail, recording studios, art galleries, meeting rooms, and restaurants.

The Entertainment Center will be linked to other areas of the District by the Historic Walking / Bicycle Trail addressed in the Infrastructure Section of this Plan.

Because two successful funeral home businesses are situated within the same area, there will be opportunities for shared parking. Funeral homes do most of their business, and therefore generate most automobile traffic, during the daytime and early evening hours, while the Entertainment Center businesses will be most active during later evening periods.

Wherever possible, land uses associated with the Entertainment Center should be adequately buffered from adjacent housing areas to limit the noise impacts on residents.

As the Entertainment Center becomes successful, seek promotional public-service announcements on local and regional radio stations to increase the number of visitors and encourage additional businesses.



City of Columbus | Department of Trade and Development | Building and Development Services | 757 Carolyn Avenue, Columbus, Ohio 43224



FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW
STANDARDIZED RECOMMENDATION FORM

Group Name New East Area Commission

Meeting Date 7/14/05

Specify Case Type
 BZA Variance (Begins with "V")
 BZA Special Permit (Begins with "SP")
 Council Variance (Begins with "CV")
 Rezoning (Begins with "Z")
 Graphics (Begins with "VG")
 Graphics Special Permit (Begins with "SPG")

Case Number CV05-30

Recommendation (Check only one)
 Approval
 Disapproval
 Conditional Approval (please list conditions below)
(Area Commissions, see note below*)

See attached - minutes of NEAC site hearing.

*Ordinances sent to council will contain only a recommendation for "approval" or "disapproval". If a recommendation for "conditional approval" is sent, the conditions should be concise and specific. Staff will determine whether conditions are met when the final ordinance is prepared unless a revised response indicating "approval" has been received. If staff determines that conditions have not been met, your group's recommendation will be listed as "disapproval".

Note FOR 13 AGAINST O ABSO

Signature of Authorized Representative [Signature]

CHAIR
RECOMMENDING GROUP TITLE

7/22/05
DAYTIME PHONE NUMBER

Please FAX this form to Zoning at (614) 645-2463 within 48 hours of your meeting day;
OR MAIL to: Zoning, City of Columbus, Building and Development Services, 757 Carolyn Avenue, Columbus, Ohio 43224.

Near East Area Commission (NEAC)

Zoning Committee Report

**Site Hearing Minutes - Corrected
CV05-030**

Date: Tuesday, July 5, 2005

Time: 7:30 pm

Location: 791 East Long Street

Applicant: Seeks a variance to allow a commercial use in a previously residential district

Zoning Commissioners Present: D. Brown, G. Lake - Grant, C. Powell, K. Powell, T. Shelby & A. Ross-Womack

Commissioners Present:

Applicant Present: Jon Beard, George Tabit & John Waddy, Property Owner's Representative

Community Present: None present.

Meeting called to order at 7:30 pm by Commissioner T. Shelby

Columbus Compact Corporation, on behalf of property owner seeks multiple variances for the property listed above to operate businesses in residentially zoned properties.

The Compact presented hardship cases for each of the properties listed above and stated a multiple list of intended uses for storefronts; Baked Good Stores, Cafes, Delicatessens and Restaurants, Florists, Gift, novelty and Souvenir Stores, Specialty Food Stores, Radio and Television Broadcasting Stations and Studios, Recording Studios, Art Dealers and Galleries, Arts and Crafts, Compact Disc, Music Record and Video Stores (including rental), Jewelry Stores.

The property doesn't conform to the Urban Commercial Overlay (UCO) standards for yard usage, windows, and setbacks, parking, off street loading zones, lot coverage and usage. The Compact contends that each structure should be granted variances because when the structures were built, the UCO guidelines were not in effect and they buildings do not conform.

Mr. John Waddy explained to the committee that they were planning to place 2 restaurants in the building, one being and upscale, patio dining facility and the other for children with minimal pocket change. As with the previous properties, there were no renderings present at the site hearing, the Commissioners questioned Mr. Waddy as to what the buildings would look like. The Compact only furnished black and white copies of photos

Minutes submitted by: Commissioner Womack

Near East Area Commission (NEAC)

Page 2
CV05-030

in their packages. There were no plans given other than the site plan. Several Commissioners again questioned Mr. Beard and Mr. Tabit as to why they did not furnish the required materials needed at the site hearing. Mr. Beard, Mr. Tabit and Mr. Waddy were told to have renderings and site plans available at the full body meeting on the 14th of this month.

The Commissioners at that time turned their questions to Mr. Waddy as to what they were going to physically do to the property. Mr. Waddy stated that he would be painting the outside and removing the existing wood to expose the windows. There were also plans to fence in the front area for patio seating. Several questions were asked about the material being used. The committee suggested that a 5 foot fence be placed with similar color brick and iron as the parking lot across the street on the Lincoln Theater parking lot.

Mr. Waddy stated that the fencing would be considered as well as the position for the trash dumpster. Commissioner T. Shelby stated that the dumpster would have to be placed in the rear in a position that provided maneuverability for the truck to service it. Mr. Waddy stated that the dumpster could be placed on one of the adjoining lots and be screened from view.

Commissioner T. Shelby called for a motion on variance CV05-030, which will allow the above businesses to operate in residentially zoned property, with the stipulation that the owner adhere to the UCO guidelines for the fence and that it be no higher than 4 feet and be constructed of iron.

The motion was moved by Commissioner K. Powell and seconded by Commissioner D. Brown. Commissioner T. Shelby called for a vote, votes were cast as followed 6 - 0 - 0. (6 Yes, 0 No and 0 Abstentions)

Motion carried to recommend approval of variance CV05-030. Commissioner T. Shelby adjourned site hearing at 8:00 pm.

Minutes submitted by: Commissioner Womack

City of Columbus | Department of Development | Building Services Division | 757 Carolyn Avenue, Columbus, Ohio 43224



PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO
 COUNTY OF FRANKLIN

APPLICATION # CV05-030

Being first duly cautioned and sworn (NAME) Jonathon Beard on behalf of Columbus Compact Corp
 of (COMPLETE ADDRESS) 1000 E. Main St, Columbus, OH 43205
 deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following
 is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the
 subject of this application in the following format:

Name of business or individual
 Business or individual's address
 Address of corporate headquarters
 City, State, Zip
 Number of Columbus based employees
 Contact name and number

If applicable, check here if listing additional parties on a separate page (REQUIRED)

1. Theresa Potter 105 Hamilton Park Columbus, Ohio 43203 # of Cols. Employees: 0 Contact: John Waddy , 463-9518	2.
3.	4.

SIGNATURE OF AFFIANT

[Handwritten Signature]

Subscribed to me in my presence and before me this 31 day of May, in the year 2005

SIGNATURE OF NOTARY PUBLIC

R Baker, State of Ohio

My Commission Expires:

4-17-2010

This Project Disclosure Statement expires six months after date of notarization.

Notary Seal Here